IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION. 333 OF 2006

Chandan Jagmohan Dhowan.... Applicant

versus

State of Maharashtra. ... Respondent.

Shri Rajendra Saronkar for the appellant.

Ms. S.D.Shinde APP for State.

CORAM; V.M. KANADE, J.

DATED; JANUARY 27, 2006.

P.C:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. The applicant is challenging the non-bailable warrant which is issued by the Principal Civil Judge, Junior Division & JMFC Mysore in connection with the complaint which is filed under section 138 of the Negotiable Instruments Act. The applicant is seeking anticipatory bail.

3. It is an admitted position that the complaint has been filed in the Court of JMFC Mysore under section 138 of the N.I.Act. Therefore this Court does not have jurisdiction to pass an order of anticipatory bail in respect of a complaint which is filed in another State. However, considering the peculiar facts and circumsances of this case, the prayer can be granted

for limited protection in order to enable the applicant to approach the competent court in the said State for the purpose of seeking anticipatory bail or such other orders from the JMFC Mysore.

4. In the circumstances, the applicants not to be arrested in connection with the non-bailable warrant issued in case No. 744 of 2004 which is pending in the Court of Principal Civil Judge, Junior Division & JMFC Mysore and the non-bailable warrant issued by that Court not to be executed for a period of four weeks from, today. Liberty is granted to the applicant to apply before JMFC Mysore or to take such other steps as advised. With these directions the application is disposed of.

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